

Claimant testified that she felt a pain in her lower abdomen while attempting to lift a coil while working for the respondent on February 9, 1998. She also testified that she immediately told her lead person, the production supervisor, and the human resources safety specialist that she had injured herself at work and needed to see her doctor. The safety specialist testified that he met with claimant on February 9, 1998, shortly after she reported severe abdominal pain and was told by either claimant or someone in claimant's presence that claimant had a gynecological problem. Because he believed claimant's

problem was personal rather than work related, he advised claimant that she would be financially responsible if an ambulance were called to take her to the hospital. He contends he did not receive notice that claimant had sustained an accidental injury at work until March 5, 1998, the day before claimant was scheduled to have hernia repair surgery.

The Administrative Law Judge personally observed both claimant and the safety specialist and found claimant's testimony persuasive. Giving the Administrative Law Judge's opinion of claimant's credibility some deference, the Appeals Board also finds that claimant has proven she sustained personal injury by accident arising out of and in the course of her employment with the respondent and that she provided respondent with notice of her accidental injury within ten days of its occurrence.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated April 16, 1998, entered by Administrative Law Judge Nelsonna Potts Barnes should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1998.

BOARD MEMBER

c: David H. Farris, Wichita, KS
Vincent A. Burnett, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director